

CITY OF TIGARD, OREGON

ORDINANCE NO. 04- 03

AN ORDINANCE AMENDING THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.230 SECTION 030(D) TO MAKE THE DEFINITION OF "RESPONSIBLE PARTY" CONSISTENT WITH THE TIGARD MUNICIPAL CODE, AND CHAPTER 18.780 TO CLARIFY LANGUAGE THAT SERVES TO PROHIBIT "BILLBOARDS" WITHIN THE TIGARD CITY LIMITS AND TO DECLARE AN EMERGENCY.

WHEREAS, the City of Tigard has requested a Zone Ordinance Amendment to amend the language of the Tigard Community Development Code Chapter 18.230, Section 030(D) to make the definition of "responsible party" consistent with the Tigard Municipal Code, and Chapter 18.780 to clarify language that serves to prohibit "billboards" within the Tigard City limits; and

WHEREAS, the City of Tigard Planning Commission held a public hearing on January 5, 2004 and unanimously recommended approval of the proposed amendment by motion; and

WHEREAS, the City Council held a public hearing on the request on January 27, 2004 and indicated they were supportive of the proposed zone change and directed staff to prepare language and an Ordinance for Council review and approval; and

WHEREAS, the City Council determined that signs that exceed the minimum dimensional requirements of "Free-way oriented freestanding" signs create visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and the community's appearance. The City Council determines that it is appropriate that the City Council make a finding and declaration that this Ordinance is necessary for the protection and preservation of public health, public safety, public property, and public peace and welfare, and that this Ordinance should be in full force and effect immediately on its adoption; and

WHEREAS, the City Council has considered the applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Policies 1.1.1 and 2.1.1; and Statewide Planning Goals 1 and 2; and

WHEREAS, the City Council has determined that the proposed zone ordinance amendment is consistent with the applicable review criteria and that approving the request would be in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "EXHIBIT A-1" to this Ordinance are hereby adopted and approved by the City Council.

SECTION 2: An emergency is declared to protect the health, safety, and welfare of the Citizens of Tigard. This ordinance shall be effective immediately after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 27th day of January, 2004.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 27th day of January, 2004.

Craig Dirksen
Craig Dirksen, Mayor

Approved as to form:

Justin V. Karris
City Attorney

1/27/04
Date

"EXHIBIT A-1"

PROPOSED CHANGES

ADDITIONS: Indicated by UNDERLINE
DELETIONS: Indicated by ~~STRIKE-THROUGH~~

(Additionally, a bar in the far right margin also indicates where a change has been made. Example: → |) .

Chapter 18.230 ENFORCEMENT

Sections:

- 18.230.010 Provisions of this Title Declared to be Minimum Requirements
- 18.230.020 Violation of Title Prohibited
- 18.230.030 Penalty
- 18.230.040 Complaints Regarding Violations
- 18.230.050 Inspection and Right of Entry
- 18.230.060 Abatement of Violations
- 18.230.070 Stop-Order Hearing

18.230.010 Provisions of this Title Declared to be Minimum Requirements

- A. Minimum requirements intended. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Most restrictive requirements apply. When the requirements of this title vary from other provisions of this title or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

18.230.020 Violation of Title Prohibited

- A. Violation of title prohibited. No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this title or any amendment thereto.

18.230.030 Penalty

- A. Class 1 penalty. A violation of this title shall constitute a Class 1 civil infraction which shall be processed according to the procedures established in Chapter 1.16 of this code, Civil Infractions.
- B. Each violation a separate infraction. Each violation of a separate provision of this title shall constitute a separate infraction, and each day that a violation of this title is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required. A finding of a violation of this title shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. Responsible party. ~~If a provision of this title is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.~~ "Responsible party" means the person responsible for curing or remedying a violation which includes:

1. The owner of the property, or the owner's manager or agent or other person in control of the property on behalf of the owner;

2. The person occupying the property, including bailee, lessee, tenant or other person having possession;

3. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property.

18.230.040 Complaints Regarding Violations

- A. Filing written complaint. Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File complaint with Director. Such complaints, stating fully the causes and basis thereof, shall be filed with the Director. The Director shall properly record such complaints, investigate and take action thereon as provided by this title.

18.230.050 Inspection and Right of Entry

- A. Right of entry. Whenever the Director has reasonable cause to suspect a violation of any provision of this chapter exists or when necessary to investigate an application for or revocation of any approval under any of the procedures described in this title, the Director may enter on any site or into any structure for the purpose of investigation, provided that no premises shall be entered without first attempting to obtain the consent of the owner or person in control of the premises if other than the owner.
- B. Search warrant. If consent cannot be obtained, the Director shall secure a search warrant from the City's municipal court before further attempts to gain entry, and shall have recourse to every other remedy provided by law to secure entry.

18.230.060 Abatement of Violations

- A. Abatement of violations. Any development or use which occurs contrary to the provisions of this title or contrary to any permit or approval issued or granted under this title is unlawful, and may be abated by appropriate proceedings.

18.230.070 Stop-Order Hearing

- A. Stop order issued. Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the Director may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop-order hearing. The Director shall schedule a hearing if requested on the stop order for the soonest practicable date, but not more than seven (7) days after the effectiveness of any required notice. At the discretion of the Director, such hearing may be:
 - 1. Part of a hearing on revocation of the underlying permit or approval pursuant to Section 18.390.050; or
 - 2. Solely to determine whether a violation has occurred. The Hearings Officer shall hold this hearing and shall make written findings as to the violation within seven (7) days. Upon a finding of no violation, the Hearings Officer shall require the issuance of a resume work order. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes

Chapter 18.780 SIGNS

Sections:

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18.780.010 Purpose

A. General purposes. The purposes of this chapter are:

1. To protect the health, safety, property and welfare of the public;
2. To promote the neat, clean, orderly and attractive appearance of the community;
3. To accommodate the need of sign users while avoiding nuisances to nearby properties;
4. To insure for safe construction, location, erection and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and
6. To minimize distractions for motorists on public highways and streets.
7. To regulate solely on the basis of time, place and manner of a sign, not on its content.

B. Sign quality. In addition, it is the purpose of this chapter to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights-of-way.

C. Compliance with other laws and regulations. It is not the purpose of this chapter to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance, or state or federal law.

~~D. Oregon Motorist Information Act. This chapter adopts by reference the provisions of the Oregon Motorist Information Act, ORS Chapter 377.~~

18.780.012 Effective Date of this Chapter

- A. Effective date. All references made in this chapter to the effective date of this chapter shall mean November 9, 1983, unless otherwise specifically stated in an ordinance revision.

18.780.015 Definitions

- A. Definitions. As used in this title, unless the context requires otherwise, the following words and phrases shall have the meanings set forth in this chapter. The definitions to be used in this chapter are in addition to Chapter 18.110, Definitions, and are as follows:

1. " 'A' board sign" means any double face temporary rigid sign;
2. "Abandoned sign" means a structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days;
3. "Area" - see Section 18.780.085 for definition of sign area;
4. "Awning sign" means a wall sign incorporated into or attached to an awning;
5. "Balloon" - see "Temporary sign";
6. "Banner" - see "Temporary sign";
7. "Bench sign" means a bench designed to seat people which carries a written or graphic message;
8. "Billboard" means ~~a sign face supported by a billboard structure;~~ a freestanding sign in excess of _____ the maximum size allowed, with adjustments, in the locations where it is located or proposed to be located.
9. ~~"Billboard structure" means the structural framework which supports a billboard;~~
9. ~~—~~10. "Building official" means officer or designee of the City empowered to enforce the Uniform Building Code;
10. ~~—~~11. "Business" means all of the activities carried on by the same legal entity on the same premises and includes charitable, fraternal, religious, educational or social organizations. "Legal entity" includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations or joint stock companies;
11. ~~12.~~ "Construct" means every type of display in the form of letters, figures, characters and/or representations;
12. ~~—~~13. "Cutout" means every type of display in the form of letters, figures, characters and/or representations in cutout or irregular form attached to or superimposed upon a sign;
13. ~~14.~~ "Development review" means the site development review process set forth in Chapters 18.360;

- ~~14.~~ ~~15.~~—"Directional sign" means a permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed;
- ~~15.~~ ~~16.~~—"Display surface" means the area made available by the sign structure for the purpose of displaying the advertising or identification message;
- ~~16.~~ —~~17.~~—"Electrical sign" means any sign utilizing electrical wiring;
- ~~17.~~ ~~18.~~—"Electronic information sign" means signs, displays, devices or portions thereof with lighted messages that change at intermittent intervals, each lasting more than two seconds, by electronic process or remote control. Electronic information signs are not identified as rotating, revolving or moving signs. Also known as an automatic changeable copy sign or electronic variable message center;
- ~~18.~~ ~~19.~~—"Face of a building" means all windows and wall areas of a building in one or more parallel planes;
- ~~19.~~ ~~20.~~—"Flashing sign" means any sign which is illuminated by an intermittent or sequential flashing light source whose interval is two seconds or less in duration, or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source;
- ~~20.~~ ~~21.~~—"Flush pitched roof sign" means a sign attached to a mansard or similar type of vertically aligned roof;
- ~~21.~~ ~~22.~~—"Freestanding sign" means a sign erected and mounted on a freestanding frame, mast or pole and not attached to any building;
- ~~22.~~ ~~23.~~—"Freeway interchange" means any intersection of an exit off-ramp of Interstate Highway 5 or State Highway 217 with a surface street;
- ~~23.~~ ~~24.~~—"Freeway-oriented sign" means a sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, these shall be Interstate 5 and Oregon State Highway #217, and shall not include Highway 99W;
- ~~24.~~ ~~25.~~—"Frontage" means the length of the property line of any one premises along a public roadway;
- ~~25.~~ ~~26.~~—"Housing complex" means a grouping of one or more single-family attached residential units or one or more multi-family residential units;
- ~~26.~~ —~~27.~~—"Immediate or serious danger" means:
- a. Whenever any portion of the structure is damaged by fire, earthquake, wind, flood or other causes, and any member or appurtenance is likely to fail, become detached or dislodged, or to collapse and thereby injure persons or damage property;
 - b. Whenever any portion of the structure is not of sufficient strength or stability or is not so anchored, attached or fastened in place as to be capable of resisting a wind pressure of one-half of that specified in the Uniform Building Code for this type structure or similar structure,

and will not exceed the working stresses permitted in the Uniform Building Code for such structures; and

- c. Whenever the location of the sign structure obstructs the view of motorists traveling on the public streets or private property, and thus causes damage to property or thereby injures persons.

~~27. 28.~~—"Industrial Park" means a parcel of land which complies with the requirements set forth in Chapter 18.530;

~~28. —29.~~—"Lawn sign" - see "Temporary sign";

~~29. —30.~~—"Lighting methods" means:

- a. Direct - exposed lighting or neon tubes on the sign face;
- b. Flashing - lights which blink on and off randomly or in sequence;
- c. Indirect or External - the light source is separate from the sign face or cabinet and is directed so as to shine on the sign; and
- d. Internal - the light source is concealed within the sign.

~~30. 31.~~—"Maintenance" means normal care needed to keep a sign functional such as cleaning, oiling, changing and repair of light bulbs and sign faces. Does not include structural alteration;

~~31. 32.~~—"Nonconforming sign" means a sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site;

~~32. 33.~~—"Non-structural trim" means the moldings, battens, caps, nailing strips and latticing, letters and walkways which are attached to a sign structure;

~~33. 34.~~—"Painted wall decorations" means displays painted directly on a wall, designed and intended as a decorative or ornamental feature. Decorations may also include lighting;

~~34. 35.~~—"Painted wall highlights" means painted areas which highlight a building's architectural or structural features;

~~35. 36.~~—"Painted wall sign" means a sign applied to a building wall with paint and which has no sign structure;

~~36. 37.~~—"Person" means individuals, corporations, associations, firms, partnerships and joint stock companies;

~~37. 38.~~—"Premises" means one or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit;

~~38. 39.~~—"Projecting sign" means a sign attached to a building other than a wall sign in which the sign face is not parallel to the wall. Such sign shall not project above the wall of the building to which it is attached, except where there is an existing parapet;

- ~~39.~~ 40. "Projection" means the distance by which a projecting sign extends from a building;
- ~~35.~~ 41. "Public sign" means signs legally erected for traffic or informational purposes by or on behalf of a government agency;
- ~~40.~~ 42. "Reader-board sign" means any sign with changeable copy or a message, except electronic information signs;
- ~~41.~~ 43. "Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections;
- ~~42.~~ 44. "Roof sign" means a sign erected fully upon or directly above a roof line or parapet of a building or structure. Exceptions: include approved temporary balloons, signs attached to existing architectural features and flush mounted "roof" signs;
- ~~43.~~ 45. "Rotating, revolving or moving sign" means any sign, or portion of a sign, which moves in any manner;
- ~~44.~~ — 46. "Shopping center" means developments of not less than eight business units;
- ~~45.~~ — 47. "Shopping plaza" means developments of between two and seven business units;
- ~~46.~~ 48. "Sign" means materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, another property or from the air;
- ~~47.~~ 49. "Sign structure" means any structure which supports or is capable of supporting any sign as described in the Uniform Building Code. A sign structure may be a single pole and may or may not be an integral part of a building;
- ~~48.~~ 50. "Structural alteration" means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts;
- ~~49.~~ 51. "Surface street" means a street which does not have limited access and which is not a freeway or expressway;
- ~~50.~~ 52. "Temporary sign" means any sign, "A" board frame, banner, lawn sign or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or a building:
- a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children's balloons, hot and cold air balloons, blimps and other dirigibles;
 - b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework;
 - c. Lawn Sign - a freestanding sign in residential zones which is exempt from sign permit requirements provided the size requirements in Subsection 18.780.060 B2. can be met.
- ~~51.~~ 53. "Tenant Sign" means a sign placed in control of a current tenant or property owner;

52. 54.—"Uniform Building Code" means the most recent structural and specialty Oregon Uniform Building Code as adopted by the Oregon Department of Commerce, and which Uniform Building Code, by this reference, is incorporated in this title to the extent of specific citations thereof in this title;

53. 55.—"Wall Sign" means any sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

- B. General rule. For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, "shall" is mandatory and not Directory, and "building" includes "structures" except "sign structures."

18.780.020 Permits Required

- A. Compliance with regulations. No sign or sign structure shall hereafter be erected, re-erected, constructed, structurally altered or relocated within the City limits except as provided by this title, and a permit for the same sign or sign structure has been issued by the Director.
- B. Separate permits for each sign. A separate permit shall be required for each sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure.
- C. Compliance with UBC. Separate structural permits under the Uniform Building Code shall also apply.
- D. Electrical permit required. An electrical permit shall be obtained for all illuminated signs, from the enforcing agency subject to the provisions of the State Electrical Code.
- E. Retroactive sign permits. The Director may require application for sign permits for all signage at a given address if no existing permits previously had been approved or documented.

18.780.030 Permit Approval Process

- A. Permits for existing signs. Permits for modification of existing signs, or to legalize signs for which a permit was not obtained when it was constructed, will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.
- B. Permits for new signs. Permits for new signs will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.
- C. Site plan. The applicant shall submit a proposed sign site plan. The Director shall provide the applicant with detailed information about this submission requirement.

18.780.040 Expiration of Approval: Standards for Extension of Time

- A. Expiration of approval. Sign permit approval shall be effective for a period of 90 days from the date of approval.
- B. Reasons for lapsing. The sign permit approval shall lapse if:
1. Substantial construction of the approved plan has not begun within the 90 day period; or

1. The sign shall be erected on private property with the consent of the lawful possessor of the property and shall not be placed on utility poles or in the public right-of-way; and
 2. At least one sign shall be permitted per parcel of land; additional signs on such parcel shall be spaced at least 50 feet apart in residential zoning districts and 30 feet apart in nonresidential zoning districts.
- C. Exceptions. The sign permit provisions of this section shall not apply to repair, maintenance or change of copy on the same sign (including, but not limited to the changing of a message on a sign specifically designed and permitted for the use of changeable copy), or unlawfully erected or maintained signs.

18.780.070 Certain Signs Prohibited

- A. Prohibited display of flags and banners. It is a violation of this chapter to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons and similar devices of carnival character. Exceptions include:
1. National, state and institutional flags properly displayed;
 2. Signs and banners approved as temporary signs; and
 3. Balloons as allowed in Subsection 18.780.090C.
- B. Unsafe signs or improperly maintained signs. No sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand the wind, seismic and other requirements as specified in the Uniform Building Code or this title.
- C. Signs at intersections. No sign shall be erected at intersections of any streets in such a manner as to materially obstruct free and clear vision. All signs shall be consistent with Chapter 18.795 of this title:
1. No sign shall be erected at any location where, by reason of the position, shape or color, that interferes with, obstructs the view of, or could be confused with any authorized traffic signal or device; and
 2. No sign shall be erected which makes use of the word "stop," "look," "danger," or any other similar word, phrase, symbol, or character in such manner as is reasonably likely to interfere with, mislead or confuse motorists.
- D. Obscenity. No sign shall bear or contain statements, words or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.
- E. E. Traffic obstructing signs. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

C. Balloons.

1. One inflatable, stationary balloon or one cluster of children's balloons firmly secured shall be allowed only if all of the following conditions are satisfied:
 - a. A City of Tigard sign permit is obtained for each single or cluster of balloons;
 - b. Each owner or legal occupant of property or a building shall be allowed one balloon per year;
 - c. A balloon sign shall be allowed to remain up for a period of no longer than 10 days per year;
 - d. A permit issued for a balloon will serve as one of the three sign permits allowed per business in a calendar year;
 - e. Balloons may be permitted as roof signs with a City sign permit;
 - f. The size of a balloon shall not exceed 25 feet in height; and
 - g. The balloon shall be secured to a structure on the ground and shall not be allowed to float in the air higher than 25 feet above the nearest building roof line.

D. Electronic message centers.

1. Electronic Message Center (variable message) sign regulations shall be as follows:
 - a. Electronic message center signs shall be permitted only in the C-G and CBD zones;
 - b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Subsection 18.780.130C;
 - c. An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign;
 - d. One electronic message center sign, either freestanding or wall-mounted, shall be allowed per premises;
 - e. With regard to light patterns:
 - (1) Traveling light patterns ("chaser effect") shall be prohibited;
 - (2) Messages and animation shall be displayed at intervals of greater than two seconds in duration.

E. Free-standing freeway-oriented signs.

1. ~~Anyone who qualifies for a permit from the State of Oregon under the provisions of the Oregon Motorist Information Act need not seek separate approval from the City of Tigard; For signs requiring a permit under the Oregon Motorist Information Act, the City will determine pursuant to a Type 1 process whether the sign meets all applicable City standards and provide that determination to any applicant for a state permit consistent with ORS 377.723.~~

2. Freeway-oriented signs shall be permitted only in the C-G, I-P, I-L and I-H zoning districts;
3. Freeway-oriented signs shall be permitted to be located within 200 feet of Highway 217 and/or Interstate Freeway No. 5 rights-of-way as shown in the Freeway-Oriented Sign (FOS) overlay zone maps in Figure 1; (Figure 1 is on file in the City Recorder's office.)
4. One freestanding freeway-oriented sign shall be allowed per premises;
5. The maximum height of a freeway-oriented sign shall not exceed 35 feet from the ground level at its base;
6. For freestanding signs a total maximum sign area of 160 square feet per face (320 square feet total) shall be allowed. ~~If the sign is a billboard, then the provisions of Subsection 18.780.090 shall apply;~~
7. Freeway-oriented signs shall be oriented to be viewed from the freeway;
8. In addition to a freeway-oriented sign, each parcel, development complex or premises shall be allowed one freestanding sign provided all other provisions of this chapter can be met and both signs are located on separate frontages with different orientations;
9. Freeway-oriented signs are not permitted as roof, tenant, temporary, balloon, wall and awning signs;
10. ~~Freeway-oriented signs shall be allowed only by administrative approval of a sign permit application or by approval of a sign code exception by the Commission.~~

F. Awning signs.

1. Awning signs shall be permitted in all zoning districts;
2. The copy on awning signs may not extend above the upper surfaces of the awning structure. They may be hung below the awning if the sign clears the sidewalk by at least 8-1/2 feet;
3. Awning signs may be internally or externally illuminated; and
4. Awning signs may extend into the public right-of-way 6-1/2 feet or 2/3 of the distance to the roadway, whichever is less. However, no sign may extend within two feet of the roadway. State Highway Division approval shall be necessary for awning signs on state highways.

G. Flush pitched "roof" sign.

1. Flush pitched roof signs shall be allowed in all zoning districts except residential;
2. The face of flush pitched roof signs may not extend more than six inches above the roof line;
3. Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall. Such surfaces shall be considered part of a wall surface in the calculation of total wall area;

A. Applicability. For the purposes of this chapter, non-conforming signs will be defined as follows:

1. Except as provided in this chapter, signs in existence on March 20, 1978, in accordance with Ordinance Nos. 77-89 and 78-16, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which may be continued until March 20, 1988;
2. Signs in existence on January 11, 1971, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, were regarded as nonconforming signs and could be continued for a period of 10 years from January 11, 1971. All such signs which were not brought into compliance with the standards in Ordinance Nos. 77-89 and 78-16 and the extensions granted, are now in violation of this chapter;
3. Signs located on premises annexed into the City after January 11, 1971, which do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of ten years after the effective date of the annexation;
4. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on site or away from the site to a safe condition. Any part of a sign or sign structure for normal maintenance shall be permitted without loss of nonconforming status.

B. Restrictions. For purposes of this title, a sign face or message change shall be subject to the following provisions:

1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
3. No sign permit shall be required for allowable sign face or message changes.

C. Reconstruction. Should a nonconforming sign or sign structure or nonconforming portion of structure be destroyed or repaired by any means to an extent of more than 50% of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this title.

D. Requirements for conformance.

1. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs; use of par spotlights or rotating beacons; rotating and revolving signs; flags, banners, streamers, or strings of lights, or temporary or incidental signs; shall be made to conform within 90 days from the effective date of this chapter;
2. ~~Billboard signs in existence on the effective date of this title which do not comply with the provisions of Subsection 18.780.090 A shall be permitted to remain along Highway 99W only until June 10, 1998, at which time such signs shall be brought into conformity.~~

18.780.120 Sign Removal Provisions: Nonconforming and Abandoned Signs